

March 4, 2021

PRESENT: Justine D. Tilghman, Chair
George A. Coyner, II, Vice Chair
Thomas W. Bailey
Thomas V. Thacker
James R. Benkahla, County Attorney
Sandra K. Bunch, Zoning Administrator and Secretary
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 4, 2021 at 10:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 10:00 a.m. in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- KRISTIN HOLBROOK, AGENT FOR CANA BARN, INC. - SPECIAL USE PERMIT
- TINA M. BACK - SPECIAL USE PERMIT
- RONNIE D. BRYANT - SPECIAL USE PERMIT
- CARL W. OR VICKI L. WOOLRIDGE - SPECIAL USE PERMIT
- MART MOORE - SPECIAL USE PERMIT

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.


Chair


Secretary

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PRESENT: Justine D. Tilghman, Chair
 George A. Coyner, II, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: James R. Benkahla, County Attorney

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 4, 2021, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chair Coyner moved that the minutes from the February 4, 2021, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

KRISTIN HOLBROOK, AGENT FOR CANA BARN, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kristin Holbrook, agent for Cana Barn, Inc., for a Special Use Permit to use a dwelling less than 900 square feet for short term vacation rentals on property they own, located at 339 Walnut Hills Road, Staunton in the Riverheads District.

Ms. Kristin Holbrook stated it has been slow for the wedding industry, so they decided to build a tiny house. She said the idea is that when couples have weddings at the barn that they will be able to include the short term rental so that the bride and

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groom's parents or whoever have a place to stay. She said they do not want to use it strictly for weddings. She stated she would like to make this an Airbnb and be able to have some rentals which is a nice way to bring in some income. She asked a friend that worked for the County and when she had asked him about permits and such, he said if it was under 256 square feet, it was not necessary and so she built a 240 square foot tiny house, and then when she called the County to make sure that she was going to pay the right taxes, they said actually, you need a permit for that and so here we are. She said that was her mistake because she did not realize that she had to do this first. She said if we get the Special Use Permit then our plan is to get a building permit in order to be compliant.

Chair Tilghman asked if she started renting the house out yet?

Ms. Holbrook stated no. She said it is mostly finished and we wanted to get permission first before listing it on Airbnb.

Vice Chair Coyner stated it is the first time the Board has been there since you built the barn. He said it is a really nice view. He asked in bad weather how do you use the driveway?

Ms. Holbrook stated they get the driveway plowed but normally they will just park at the bottom of the driveway and walk up and down in bad weather and that is even a little bit treacherous because it is a pretty steep driveway.

Vice Chair Coyner asked if they have had weddings?

Ms. Holbrook stated in 2020 we had a few but with all of the rules they were limited. She said she does have one coming up but it is going to be ten (10) people based on the rules currently. She said hopefully as time goes by they can be back to half capacity. She said seventy-five (75) would be her half capacity.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Christine Fairfield, 354 Walnut Hills Road, Staunton, stated she lives across the street. She said that their only complaint has been that it has changed the nature of Walnut Hills Road. She said they live in a very quiet residential area with not a lot of traffic and not a lot of noise. She said when they have held weddings and she does not have central air, so in the summertime and springtime our windows are open and the music sometimes goes until 10:00 p.m. when the children are trying to go to

sleep. She said that she does not know what their alcohol policy is. She said they already have traffic from the campground down the road where campers sometimes hit their mailbox. She said they missed the zoning meeting last time when it was first proposed for the events in the barn so we did not want to miss this one. She said her main opposition is simply that it is just another thing being added to the community that no one else on the road is doing.

Chair Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Tilghman asked the applicant to speak in rebuttal.

Ms. Holbrook stated she tries really hard to be a good neighbor. She said that she does not think the 240 square foot tiny house is going to have an impact on that.

Chair Tilghman declared the public hearing closed.

Vice Chair Coyner stated the Board visited the site this morning and it is very well kept. He said that he does not think the little house in the back would generate tremendous activity for the road. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant obtain all Building Permits and Certificate of Occupancy and provide a copies to Community Development.
2. Obtain approval from the Health Department and provide a copy to the Community Development Department.

Operating Conditions:

1. Be permitted to use the existing two hundred forty (240) square foot dwelling for short term vacation rental.
2. Be limited to a maximum of two (2) persons occupying the cottage.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

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Mr. Thacker seconded the motion, which carried unanimously.

TINA M. BACK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tina M. Back, for a Special Use Permit to have a kennel for personal dogs on property owned by Carol Jay, located at 1088 Hankey Mountain Highway, Churchville in the Pastures District.

Ms. Tina Back stated she would like to have this permit to keep the five (5) dogs.

Chair Tilghman stated the Board saw the little kennels for the dogs.

Ms. Back stated they just go out there to use the bathroom and then they are back in.

Vice Chair Coyner asked if the applicant breeds the dogs?

Ms. Back stated no. She said all of her dogs are either neutered or spayed. She said it was not intended to have the two, but it was just a mishap. She said the girls got attached to the dogs. She said she did not realize that you could not have more than four (4) dogs. She said her sister lives with her and one is hers.

Chair Tilghman stated a lot of people do not realize that but even if they are just personal dogs it is included in the number. She said the Board visited the site this morning. She said the site is neat and tidy outside and she did not see any of the dogs because they must have been inside. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Thacker stated the property is very nice and the applicant has little dogs. He said he would not see an issue with this permit. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Maximum of five (5) adult dogs kept at this site at any time.
- 2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 3. Site be kept neat and orderly.
- 4. Animal Control to inspect the site **yearly**.

Vice Chair Coyner seconded the motion, which carried unanimously.

ROBERT OR STEPHANIE BAIOTTO - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert or Stephanie Baiotto, for a Special Use Permit to add onto an existing building located in the front yard on property they own, located at 67 Crestwood Drive, Churchville in the North River District.

Mr. Robert Baiotto stated it was his ignorance that he did not have this in the proposal before because it was always intended to be there. He said he would like to add the porch to the existing building.

Chair Tilghman stated porches do count and many people do not realize that. She said they did not visit your site today because the Board visited in December when you applied for your building originally. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Bailey stated the building meets the setbacks and the area is also rural and it cannot be seen from the road. He moved to approve the request with the following conditions:

Pre-Condition:

- 1. Applicant obtain all building permits and necessary inspections.

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Operating Conditions:

1. Be permitted to construct an 11' x 30' addition to the accessory building in the front yard as shown on the BZA sketch.
2. No junk or inoperable vehicles to be kept outside.
3. Site be kept neat and orderly.

Vice Chair Coyner seconded the motion, which carried unanimously.

RONNIE D. BRYANT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ronnie D. Bryant, for a Special Use Permit to have apartments in a pre-1980 structure on property he owns, located at 12 Montrose Drive, Fishersville in the Wayne District.

Mr. Ronnie Bryant stated he would like to have apartments at this location.

Chair Tilghman stated that the applicant always had an apartment upstairs and now you have made the one downstairs into an apartment. She said we have received complaints on this and it is in your best interest to be a good neighbor.

Mr. Bryant stated he wants to turn it into an Airbnb.

Vice Chair Coyner asked if both units will be rented?

Ms. Bunch stated a bed and breakfast/overnight stays are permitted under General Business. She said business zoning allows for public accommodations with a site plan. She said his first step would to get this permit to be legal and then do the site plan. She said it is allowed in business to have hotels, motels, bed and breakfasts with a site plan.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Steve Morelli, 104 Fall Ridge Drive, Stuarts Draft, stated he is here on behalf of Ms. Scott who operates a business to the right of this site. He said that there has

been dogs at the site that are chained up and bark most of the day. He noted that there are people walking around the parking lot all hours. He said they have no trespassing signs. He received complaints about people complaining about noise. He said that he has not been there but they have asked him to share this with the Board.

Chair Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Tilghman asked the applicant to speak in rebuttal. She asked if the applicant allows animals in the apartments?

Mr. Bryant stated the lease states no animals. He said they are not supposed to have them in the apartments.

Chair Tilghman declared the public hearing closed.

Vice Chair Coyner stated this is a very nice building and well kept. He moved to approve the request with the following conditions:

Pre-Condition:

- 1. Obtain all necessary Building Permits and Certificate of Occupancy and provide a copy to Community Development.

Operating Condition:

- 1. Be permitted to have two (2) apartments in a pre-1980 structure.

Mr. Bailey seconded the motion, which carried unanimously.

Chair Tilghman stated it would be a good place for a bed and breakfast. She said since there is no yard, there is no way you could have animals there.

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CARL W. OR VICKI L. WOOLRIDGE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Carl W. or Vicki L. Woolridge, for a Special Use Permit to have a log processing business and firewood sales on property they own, located at 2993 Hankey Mountain Highway, Churchville in the North River District.

Chair Tilghman asked if the applicant plans on cutting down trees?

Mr. Carl Woolridge stated he is not going to cut trees down on his property but he will cut trees for other people. He is located in the back so no one sees his operation.

Chair Tilghman asked if the applicant plans to deliver to the customer?

Mr. Woolridge stated people normally do not want to pick up, therefore, he delivers the firewood.

Vice Chair Coyner asked how long have you lived onsite?

Ms. Vicki Woolridge stated eighteen (18) years.

Chair Tilghman stated the site is very well maintained.

Mr. Thacker stated this is not an unusual request for this type of business.

Vice Chair Coyner asked if the applicant plans on getting started right away?

Mr. Woolridge stated yes.

Vice Chair Coyner stated this request is in keeping with the area.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Condition:

None

Operating Conditions:

- 1. All equipment for the business and all logs and cut firewood be processed and stored in the designated areas on the site plan. .
- 2. No firewood processing on Sunday.
- 3. All trees and natural vegetation remain and be maintained to provide screening.
- 4. No employees other than family members.
- 5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 6. Site be kept neat and orderly.

Vice Chair Coyner seconded the motion, which carried unanimously.

MART MOORE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mart Moore, for a Special Use Permit to have a landscape and hardscape office and outdoor display and sales of mulch, stone, topsoil, etc. on property owned by Doris S. Wright, located at 1670 Lee Jackson Highway, Staunton in the Riverheads District.

Chair Tilghman asked if the applicant plans on building storage bins?

Mr. Mart Moore stated yes.

Chair Tilghman stated the applicant will only be able to enter along Route 11 according to VDOT. She said the applicant also has a location on Commerce Road.

Vice Chair Coyner asked if you will maintain that site also?

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Mr. Moore stated yes. He stated his dad had that service station for 24 years and it has worked for him to also be able to open the business there. He plans on selling mulch there.

Vice Chair Coyner asked if you will get deliveries there?

Mr. Moore stated yes.

Vice Chair Coyner asked if the applicant has employees?

Mr. Moore stated one (1) employee will work there. He said the stipulations were that the septic system, which was put in 1950, needed to be engineered to make sure that it does work properly. He said he does have documentation from the engineer that it does work properly. He said that he was able to dig up the septic tank, the distribution box, and he was able to see water flow. He stated there were no problems with the septic system.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Doris Wright stated she is the property owner and is excited to rent the property to Mr. Moore. She said his father rented it from us many years ago and ran a wonderful business there. She said they are top notch people to rent to.

Chair Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Tilghman declared the public hearing closed. She said this is a good place for the business. She said there have been businesses there for years.

Vice Chair Coyner stated businesses have been here for years. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain VDOT approval and provide a copy to Community Development.

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Operating Conditions:

1. Be permitted to have outdoor storage of mulch, stone, rock, and topsoil in the designated areas shown on the site plan.
2. No commercial access allowed on Rt. 800 due to limited site distance per VDOT comments.
3. Be limited to one (1) employee.
4. Hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday – Saturday.
5. No Sunday operation.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**RAY BURKHOLDER, AGENT FOR VICTORY WORSHIP CENTER AND WORLD OUTREACH – EXTENSION OF TIME REQUEST**

A request by Ray Burkholder, agent for Victory Worship Center and World Outreach, for a Special Use Permit to construct a fitness center/gymnasium and to lease office space for physical therapist and sports medicine on property they own, located at 200 Hammond Lane, Staunton in the Beverley Manor District

Ms. Bunch stated the site plan has not been completed yet and the applicant is requesting an Extension of Time.

Vice Chair Coyner moved to approve the one (1) year Extension of Time request.

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Mr. Bailey seconded the motion, which carried unanimously.

STAFF REPORT

There were no staff reports this month to review.

Ms. Keffer discussed the court cases with the Board.

There being no further business to come before the Board, the meeting was adjourned.


Chair


Secretary

